IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.482 OF 2002

Dr.M.B. Rawate ...Petitioner
in person

V/s.

The State of Maharashtra & Ors. ...Respondents

Petitioner in person present.
Mr.Y.M. Nakhawa APP for the State.

CORAM : V.M. KANADE, J.

DATED : 23rd AUGUST, 2007.

P.C:-

1. Heard the Petitioner in person.

2. Petitioner takes exception to the order passed by the Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai, whereby an application filed by the Petitioner for seeking certified copy of a letter dated 28th April, 2000 which was enclosed alongwith police investigation report dated 25th May, 2000 was not supplied.

3. Petitioner who is appearing in person submitted that Investigating Officer had committed a fraud on the Court by stating in the

Investigation report that he had informed to the superior officer about the investigation that is made by him in the letter dated 28th April, 2000. He submitted that in view of this statement which was made by the Investigating Officer, no further orders were passed. The Magistrate rejected his application by observing that the said document was not a part of court proceeding and therefore, the application was not considered. Against this order, the Petitioner preferred a criminal revision application in the Sessions Court. The Sessions Court also observed that since the Magistrate had verified the factual aspect of the matter, document not being a part of the court proceeding could not be supplied and therefore, rejected his application. Thereafter, the Petitioner preferred this Writ Petition.

4. In my view, no case is made out by for interfering with the order passed by the Magistrate and which was confirmed by the Revisional Court. It appears that though in the Investigation report it was solemnly mentioned by the Investigating Officer that he had informed to his superior officer about the investigation that was made by him, it appears that, in fact, said letter is not on record. Grievance of the Petitioner is that a fraud has been committed by the Investigating Officer on the Court. That being

the submission, the Petitioner has an alternate remedy by taking such steps as may be advised and to file such application before appropriate court. In my view, there is no reason to interfere with the order passed by the Sessions Court and the Trial Court.

. Writ Petition is dismissed accordingly.

V.M. KANADE, J.